

# **Foreign Military Sales Major Arms Sales Notification Process (Sec. 36(b), AECA)**



## **Business Operations-Comptroller, Operations and Administration**

Prepared by: DSCA/DBO/OPS-ADMIN

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# Major Arms Sales Notification of Foreign Military Sales



- **Section 36(b) of the Arms Export Control Act (AECA) requires the President to give Congress advance written notification of the intent to sell defense articles, equipment and services.**
  - **15 days prior notification for NATO, Japan, Australia, and New Zealand for**
    - **Major Defense Equipment (MDE) valued at \$25M;**
    - **Defense articles or services \$100M;**
    - **Design and construction services valued at \$300M.**
  - **30 days prior notification for all other countries for**
    - **MDE valued at \$14 million or more;**
    - **Defense articles or services with a total value of \$50 million;**
    - **Design and construction services of \$200 million or more.**



# Major Arms Sales Notification of Foreign Military Sales



- **In 1976, Defense Security Cooperation Agency (DSCA) began providing an additional non-statutory 20-day advance notification to Congress for all countries except for NATO, Japan, Australia, and New Zealand.**
- **Pre-consultations scheduled by State Department Legislative Affairs may occur before the notifications are provided to Congress.**
- **DSCA prepares and delivers the notifications to Congress only with the approval of the State Department Political-Military Bureau.**



# Congressional Notification Timeline



- **Country forwards Letter of Request to Military Departments (MILDEP)**
- **MILDEP forwards the Classified 36(b) input to Defense Security Cooperation Agency (DSCA)**
- **DSCA coordinates within Office Secretary of Defense/DSCA**
- **After coordinations and signature, DSCA forwards to State Department**
  - **At this time, State starts the pre-consultation period (no time limit)**
- **State Department coordinates internally and externally**
  - **During this period, State sends the notification to the Congressional staffers**
  - **After the pre-consults, State sends the 20-day Advance/Informal (or the 15/30-day Formal) Congressional approval to DSCA**
- **If Congress is not in recess,**
  - **DSCA forwards 20-day Advance/Informal Congressional document for signature and delivery to Congress.**



# Congressional Notification Timeline



- **DSCA forwards the 15/30-day Formal Congressional document for signature and delivery to Congress.**
- **After the formal notification is forwarded to Congress, the MILDEP can revise all documents to Unclassified (when appropriate) and forward a draft Letter of Offer and Acceptance (LOA) to Country.**
- **Once the 15/30-day Formal notification period is up, the MILDEP can forward the LOA to DSCA for processing.**



# 2005 Congressional Recess Schedule



YEAR 2005 CONGRESSIONAL RECESS SCHEDULE  
109th Congress, First Session

JANUARY							FEBRUARY							MARCH						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1							1		1	2	3	4	5	6		1	2	3	4	5
2	3	4*	5	6	7	8	6	7	8	9	10	11	12	13	14	15	16	17	18	19
9	10	11	12	13	14	15	13	14	15	16	17	18	19	20	21	22	23	24	25	26
16	17	18	19	20	21	22	20	21	22	23	24	25	26	27	28	29	30	31		
23	24	25	26	27	28	29	27	28						27	28	29	30	31		
30	31																			
APRIL							MAY							JUNE						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1							1	2	3	4	5	6	7	5	6	7	8	9	10	11
3	4	5	6	7	8	9	8	9	10	11	12	13	14	15	16	17	18	19	20	21
10	11	12	13	14	15	16	15	16	17	18	19	20	21	19	20	21	22	23	24	25
17	18	19	20	21	22	23	22	23	24	25	26	27	28	26	27	28	29	30	31	
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30		
JULY							AUGUST							SEPTEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1							1	2	3	4	5	6		1	2	3				
3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29	30*	
31																				
OCTOBER							NOVEMBER							DECEMBER						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1							1	2	3	4	5			1	2	3				
2	3	4	5	6	7	8	6	7	8	9	10	11	12	4	5	6	7	8	9	10
9	10	11	12	13	14	15	13	14	15	16	17	18	19	11	12	13	14	15	16	17
16	17	18	19	20	21	22	20	21	22	23	24	25	26	18	19	20	21	22	23	24
23	24	25	26	27	28	29	27	28	29	30				25	26	27	28	29	30	31
30	31																			

Congress Convenes  
Martin Luther King Recess  
President's Day Recess  
Spring Recess  
Senate Recess  
Memorial Day Recess  
Independence Day Recess  
August/Labor Day Recess  
TARGET ADJOURNMENT

HOUSE  
4 Jan  
7-21 Jan  
21-26 Feb  
21 Mar - 1 Apr  
2-6 May  
30 May - 3 Jun  
4-8 Jul  
1 Aug - 5 Sep  
30 Sep

SENATE  
4 Jan  
7-21 Jan  
21-26 Feb  
21 Mar - 1 Apr  
2-6 May  
30 May - 3 Jun  
4-8 Jul  
1 Aug - 5 Sep  
30 Sep

House-RED Dates (Non-Legislative Periods)

\*BLUE Highlight (START/FINISH Dates)

Senate-YELLOW Highlight (Non-Legislative Periods)

\*Subject to change 01-05-05 JFAMesse

- Scheduled non-legislative periods (out of session), restricts the periods during which formal notifications may be submitted to Congress.

UNCLASSIFIED



# Public Notice

- Once Congress has been notified of a proposed arms sale under Section 36(b) AECA, the President must publish an unclassified version of the notification on the Federal Register:
  - Federal Register web page:  
<http://www.gpoaccess.gov/fr/advanced.html>
  - Copies of DSCA Press Releases are posted on the web page (<http://www.dsca.mil>)